



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,557	07/29/2003	Takayuki Iida	Q76705	4745

23373 7590 07/14/2006  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

JACKSON, BLANE J

ART UNIT PAPER NUMBER

2618

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/628,557	Applicant(s) IIDA, TAKAYUKI	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 24 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 20 April 2006 have been fully considered but they are not persuasive. The applicant states that prior art Zehavi fails to teach an operation control means which activates the wireless communication means when the judgement means is affirmative and that Zehavi requires that the user activate communication not that the communication occurs by function of a control means contained within a wireless communication apparatus. As to claims 1 and 7, the examiner agrees with this interpretation where the broad claim language admits this application of Zehavi, where "operation control means for activating the wireless communication means" is not specific to the user's or automatic initiation.

The applicant also points out that Zehavi fails to teach a judgment means as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment. Zehavi teaches the task, to transfer image files but only within a prescribed range of a service point, paragraph 0034. Secondary prior art Knauerhase is introduced to teach the detection of a hotspot or access point with notification to the user by beep or ring of the proximity of the proximity of a service provider, paragraphs 0018, 0045 and 0047. The device notification alerts the user to address a pre-identified listed task, in this case, the transfer of image files as taught by Zehavi.

This opinion is repeated in the following rejection, a repeat of the previous office action but edited for clarity.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878) with a view to Knauerhase et al. (US 2004/0203847).

As to claims 1, 3-6, Zehavi teaches a wireless communication apparatus having wireless communication means for carrying out data communication with wireless communication equipment, the wireless communication apparatus comprising:

*A prescribed range* as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment (figures 1 and 4, the wireless communication equipment comprises a digital camera to transfer image files over WLAN in accordance to IEEE 802.11 standards through a service point or access point to a service center, paragraphs 0031-0034),

Operation control means for activating the wireless communication means only in the case where a result of camera location is *within a prescribed range* (figure 1, paragraph 0034, where the wireless device user or customer actuates an appropriate

control on the camera within a prescribed range to negotiate an optimal data rate with the service node),

Zehavi teaches the camera is activated by the user to download the image files via WLAN within a *prescribed range* of the service center but does not teach the communication apparatus comprises judgment means for making a judgment as to whether or not the wireless communication means is within a coverage area of the wireless communication equipment.

Knauerhase teaches a wireless device comprising a cellular telephone that determines its location and calculates the proximity to a desired service provider through the detection of a hotspot or access point operating under an 802.11 protocol, paragraphs 0023, 0037 and 0047. With the determined location, in this case determined by a nearby access node, the user is notified that a pre-identified task can be addressed, paragraph 0038.

It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the user understood prescribed range method of Zehavi with the method of Knauerhase for automatic identification and notification of proximity of an access node suitable for data transfer.

As to claim 2, Knauerhase of Zehavi modified teaches the wireless communication apparatus according to claim 1 further comprising lighting means whose state of lighting changes in accordance with a communication state between the

wireless communication means and the wireless communication device (wireless device may beep, ring or otherwise notify the user, paragraph 0018).

As to claim 24, Zehavi teaches the wireless communication apparatus according to claim 1 wherein the wireless communication equipment is connected to an image server which stores the data communicated to the wireless communication equipment for image processing (paragraph 0031, customers to submit imaged files via a WLAN at multiple access points for later pick-up of hard copies at a remote service center).

Claims 7-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878) and Knauerhase et al. (US 2004/0203847) with a view to Choi (US 6,967,944).

As to claims 7 and 8 with respect to claim 1 and claim 10, Zehavi teaches an imaging apparatus comprising:

Image capturing means for obtaining image data (paragraphs 0010 and 0011),

Authentication information storage means for storing authentication information that is necessary for the data communication with the wireless communication equipment via a wireless network (paragraphs 0032-0035, camera makes contact with the service point and negotiates an optimal data rate),

Image storage means for storing the image data obtained by the image capturing means (paragraph 0034, images stored in the camera for submission for hard copies).

control means for controlling the wireless communication means so as to send the authentication information stored in the authentication information storage means to the wireless communication equipment by carrying out the data communication with the wireless communication equipment when the operation control means activates the wireless communication means (paragraph 0034, control means for the transfer of data is user initiated (after notification of proximity of the access node) with user identity required to access the node and identify the transfer of data to be processed by a remote service center).

Zehavi teaches the camera is activated by the user to download the image files via WLAN within a *prescribed range* of the service center but does not teach control means for causing the judgement means to judge whether or not the wireless communication means is within the coverage area of the wireless communication equipment.

Knauerhase teaches a wireless device comprising a cellular telephone that determines its location and calculates the proximity to a desired service provider through the detection of a hotspot or access point operating under an 802.11 protocol, paragraphs 0023, 0037 and 0047. With the determined location, in this case determined by a nearby access node, the user is notified that a pre-identified task can be addressed, paragraph 0038.

It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the user understood prescribed range method of Zehavi with the

method of Knauerhase for automatic identification and notification of proximity of an access node suitable for data transfer.

Zehavi modified is silent as for controlling the wireless communication means to send the image data in the image storage means to the wireless communication equipment after the wireless communication equipment authenticates the imaging apparatus according to the authentication information.

Choi teaches a method for increasing link capacity in wireless local area networks (LANs) where the access point enables direct communication between the wireless users, but in view of the claim, discusses the main functions of the access point (AP) is to support roaming, synchronize with a BSS, support power management and *control the medium access*, column1, lines 30-45. Specifically, Choi further teaches a WLAN relies on the AP and the infrastructure for basic services such as the authentication of access and the control of medium for data with associated quality of service, column 3, lines 4-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize with data rate negotiation as discussed in accordance with the standard WLAN protocols of the method of Zehavi the other expected functions provided by the access point as specified by Choi to include authentication of the user for system access prior to negotiation of quality of service.



As to claim 9 with respect to claim 7, Zehavi teaches the operation control means inactivates the wireless communication means after the image data that were stored in the image storage means have been sent (paragraph 0041).

As to claims 11, 12, 14 and 15 with respect to claim 10, Knauerhase of Zehavi modified teaches the imaging apparatus further comprising:

Search means for carrying out a search for pieces of the wireless communication equipment that are communicable with the wireless communication means in response to an external instruction input (a wireless device capable of knowing its location by GPS or cellular triangulation to determine proximity to a service provider based on a selected task list input by the device user, paragraph 0023-0026, also, proximity may be determined to providers that maintain access points and transmit beacon signals that can be picked up by the wireless device, paragraph 0045),

Display means for displaying a list of the pieces of the wireless communication equipment as a result of the search carried out by the search means (figure 4, user is notified with display of task information of tasks to be satisfied which are mapped to provider identification and location, paragraphs 0038 and 0039),

Selection means for receiving selection of a desired one of the pieces of the wireless communication equipment from the result of the search (paragraphs 0040-0045),

The control means controls the wireless communication means to send the image data stored in the image storage means to the selected piece of the wireless

communication equipment after authentication with roaming by the wireless device is taught by Choi as discussed for claims 10, 7 and 1.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 2005/0083878), Knauerhase et al. (US 2004/0203847) and Choi (US 6,967,944) in further view of Comstock et al. (US 2002/0183038).

As to claim 13 with respect to claim 12, Zehavi of Zehavi modified teaches negotiation for an optimal data rate to upload image files between a user device and access point searched for by the search means, paragraph 0034, but is silent as to the display means displays a communication charge for the pieces of wireless communication equipment

Comstock teaches a WLAN access point comprising an access and accounting circuits to provide access and billing information with user authentication where the user or portable device (22) includes an operator interface to display charges and network speeds associated with each network access node within ranges and to receive a user selection of one of the network access nodes for use, figure 1, paragraphs 0033 and 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to realize in Zehavi modified the access and billing control as provided by the access points in the WLAN system of Comstock for the identification and collection of payment for the wireless service.

***Allowable Subject Matter***

Claims 16-22 and 25 are allowed.

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

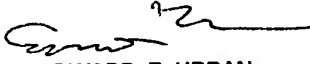
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJJ

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600